

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2383**

BY DELEGATES OVERINGTON, FOSTER, FRICH, HAMILTON,

ROWAN AND SOBONYA

[Introduced February 13, 2017; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §1-2-2a, relating to requiring that the Redistricting Office of the Joint  
 3 Committee on Government and Finance plan and propose congressional and legislative  
 4 districts; providing specific criteria that the redistricting office must observe in proposing  
 5 district mappings; requiring the redistricting office to advertise a proposed draft map of  
 6 districts to the public; requiring the redistricting office to recommend redistricting plan to  
 7 the Legislature; requiring the full Legislature to vote on plan ratification; providing for  
 8 subsequent submissions of plans and vote by Legislature; requiring that commission  
 9 certify to the Secretary of State that its final proposal for district boundaries is in  
 10 accordance with Constitutional and legal requirements; and prohibiting certain persons  
 11 from influencing or attempting to influence district mapping proposals of the redistricting  
 12 office.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §1-2-2a, to read as follows:

**ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

**§1-2-2a. Redistricting Office of Joint Committee on Government and Finance to study and propose fair, balanced and rational plan to redistrict.**

3 (a) Preparation for redistricting. B- The Redistricting Office of the Joint Committee on  
 4 Government and Finance shall acquire appropriate information, review and evaluate available  
 5 facilities, and develop programs and procedures in preparation for drawing congressional and  
 6 legislative redistricting plans on the basis of each federal census. Funds shall be expended for  
 7 the purchase or lease of equipment and materials only with prior approval of the Joint Committee  
 8 on Government and Finance.

9 (b) By December 31 of each year ending in zero, the Redistricting Office of the Joint

10 Committee on Government and Finance shall obtain from the United States Bureau of the Census  
11 information regarding geographic and political units in this state for which federal census  
12 population data has been gathered and will be tabulated. The Redistricting Office of the Joint  
13 Committee on Government and Finance shall use the data so obtained to:

14 (1) Prepare necessary descriptions of geographic and political units for which census data  
15 will be reported, and which are suitable for use as components of legislative districts; and

16 (2) Prepare maps of counties, cities and other geographic units within the state, which  
17 may be used to illustrate the locations of legislative district boundaries proposed in plans drawn  
18 in accordance with this section.

19 (c) As soon as possible after January 1 of each year ending in one, the Redistricting Office  
20 of the Joint Committee on Government and Finance shall obtain from the United States Bureau  
21 of the Census the population data needed for legislative districting which the Census Bureau is  
22 required to provide this state under the United States Census 2000 Public Law 94-171 and will  
23 use that data to assign a population figure based upon certified federal census data to each  
24 geographic or political unit described pursuant to the provisions of this subsection. Upon  
25 completing that task, the Redistricting Office of the Joint Committee on Government and Finance  
26 shall begin the preparation of congressional and legislative districting plans as required by this  
27 section.

28 (d) *Timetable for preparation of plan.* --

29 (1) Not later than April 1 of each year ending in one, the Redistricting Office of the Joint  
30 Committee on Government and Finance shall deliver to the Clerk of the Senate and the Clerk of  
31 the House of Delegates identical bills embodying a plan of legislative and congressional districting  
32 prepared in accordance with this section. It is the intent of this section that the Legislature shall  
33 bring the bill to a vote in either the Senate or the House of Delegates expeditiously, but not less  
34 than three months after the report of the Redistricting Office of the Joint Committee on  
35 Government and Finance required by this section is received and made available to the members

36 of the Legislature, under a procedure or rule permitting no amendments except those of a purely  
37 corrective nature. It is further the intent of this section that if the bill is approved by the first house  
38 in which it is considered, it shall expeditiously be brought to a vote in the second house under a  
39 similar procedure or rule.

40 (2) If the bill embodying the plan submitted by the Redistricting Office of the Joint  
41 Committee on Government and Finance fails to be approved by a Constitutional majority in either  
42 the Senate or the House of Delegates, the Clerk of the Senate or the Clerk of the House, as the  
43 case may be, shall at once transmit to the Redistricting Office of the Joint Committee on  
44 Government and Finance information which the Senate or House may direct regarding reasons  
45 why the plan was not approved. The Redistricting Office of the Joint Committee on Government  
46 and Finance shall prepare a bill embodying a second plan of legislative and congressional  
47 districting prepared in accordance with this section, and taking into account the reasons cited by  
48 the Senate or House of Delegates for its failure to approve the plan insofar as it is possible to do  
49 so within the requirements of this section. If a second plan is required under this section, the bill  
50 embodying it shall be delivered to the Clerk of the Senate and the Clerk of the House of Delegates  
51 not later than two months after the date of the vote by which the Senate or the House of Delegates  
52 fails to approve the bill first submitted. It is the intent of this section that, if it is necessary to submit  
53 a bill under this section, the bill be brought to a vote not less than two months after the bill is  
54 printed and made available to the members of the Legislature, in the same manner as prescribed  
55 for the first bill required under this section.

56 (3) If the bill embodying the plan submitted by the Redistricting Office of the Joint  
57 Committee on Government and Finance under subdivision (2) of this section fails to be approved  
58 by a Constitutional majority in either the Senate or the House of Delegates, the same procedure  
59 as prescribed by subdivision (2) shall be followed. If a third plan is required under this section,  
60 the bill embodying it shall be delivered to the Clerk of the Senate and the Clerk of the House of  
61 Delegates not later than two months after the date of the vote by which the Senate or the House

62 of Delegates fails to approve the bill submitted under subdivision (2), but before the beginning of  
63 the next regular session of the Legislature. It is the intent of this section that, if it is necessary to  
64 submit a bill under this subsection, the bill be brought to a vote within the same time period after  
65 its delivery to the Clerk of the Senate and the Clerk of the House of Delegates as is prescribed  
66 for the bill submitted under subdivision (2), but shall be subject to amendment in the same manner  
67 as other bills.

68 (4) Notwithstanding any other provision of this section:

69 (A) If population data from the federal census which is sufficient to permit preparation of a  
70 congressional districting plan complying with article one, section four of the Constitution of West  
71 Virginia becomes available at an earlier time than the population data needed to permit  
72 preparation of a legislative districting plan in accordance with this section, the Redistricting Office  
73 of the Joint Committee on Government and Finance shall so inform the presiding officers of the  
74 Senate and House of Delegates. If the presiding officers so direct, the Redistricting Office of the  
75 Joint Committee on Government and Finance shall prepare a separate bill establishing  
76 congressional districts and submit it separately from the bill establishing legislative districts. It is  
77 the intent of this section that the Legislature shall proceed to consider the congressional districting  
78 bill in substantially the manner prescribed by this section.

79 (B) If the population data for legislative districting which the United States Census Bureau  
80 is required to provide this state under United States Census 2000 Public Law 94-171 is not  
81 available to the Redistricting Office of the Joint Committee on Government and Finance on or  
82 before February 1 of the year ending in one, the dates set forth in this section shall be extended  
83 by a number of days equal to the number of days after February 1 of the year ending in one that  
84 the federal census population data for legislative districting becomes available.

85 (e) The Redistricting Office of the Joint Committee on Government and Finance shall plan  
86 and propose congressional and legislative districts. The commencement of the proposed  
87 mapping process for both the congressional and legislative districts shall be the creation of

88 districts of equal population in a grid-like pattern across the state. Adjustments to the grid shall  
89 then be made as necessary to accommodate the goals as set forth below:

90 (1) Districts shall comply with the United States Constitution and the United States Voting  
91 Rights Act;

92 (2) Congressional districts shall have equal population to the extent practicable, and state  
93 legislative districts shall have equal population to the extent practicable;

94 (3) Districts shall be geographically compact and contiguous to the extent practicable;

95 (4) District boundaries shall respect communities of interest to the extent practicable;

96 (5) To the extent practicable, district lines shall use visible geographic features, city, town  
97 and county boundaries, and undivided census tracts; and

98 (6) A district may not be drawn for the purpose of favoring a political party, incumbent  
99 Legislator or member of Congress, or other person or group, or for the purpose of augmenting or  
100 diluting the voting strength of a language or racial minority group. In establishing districts, no use  
101 may be made of any of the following data:

102 (A) Address of incumbent Legislators or members of Congress;

103 (B) Political affiliations of registered voters;

104 (C) Previous election results; and

105 (D) Demographic information, other than population head counts, except as required by  
106 the Constitution and laws of the United States.

107 (f) Party registration and voting history data shall be excluded from the mapping process.  
108 The places of residence of incumbents or candidates shall not be identified or considered.

109 (g) The Redistricting Office of the Joint Committee on Government and Finance shall  
110 advertise a proposed draft map of congressional districts and a proposed draft map of legislative  
111 districts to the public for comment, which comment shall be taken for at least thirty days. Any  
112 member of either body of the Legislature may, within this period, make inquiry of the independent  
113 redistricting commission concerning its methodology or proposed redistrict mapping, which

114 inquiry shall be fully addressed by the independent redistricting commission. The independent  
115 redistricting commission shall then make and publish its final proposal for district boundaries and  
116 recommend the plan to the Legislature, which shall vote as a full body upon it.

117 (h) The provisions regarding this section are self-executing. The independent redistricting  
118 commission shall certify to the Secretary of State that its final proposal for district boundaries of  
119 congressional and legislative districts are in accordance with those Constitutional and legal  
120 requirements and considerations as provided in this section.

121 (i) An elected or appointed office holder, lobbyist, official of a political party, or other person  
122 affiliated with an elected or appointed office holder, lobbyist or official of a political party, may not  
123 influence or attempt to influence the district-mapping proposals of the Redistricting Office of the  
124 Joint Committee on Government and Finance.

125 (j) The Redistricting Office of the Joint Committee on Government and Finance may not  
126 meet or incur expenses after the proposed redistricting plan is completed, except if litigation or  
127 government approval of the plan is pending, or to revise districts if required by court decisions or  
128 if the number of congressional or legislative districts is changed.

NOTE: The purpose of this bill is to provide for the Redistricting Office of the Joint Committee on Government and Finance to propose redistricting plans during census years. The main task of the Redistricting Office is to propose a plan to the Legislature which is based on Constitutional and legal requirements and considerations. The bill provides specific criteria that the redistricting office must observe in proposing district mappings. The bill requires the redistricting office to advertise a proposed draft map of districts to the public. The bill requires the redistricting office to recommend redistricting plan to the Legislature. The bill requires the full Legislature to vote on plan ratification. The bill provides for subsequent submissions of plans and vote by Legislature. The bill requires that the commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with Constitutional and legal requirements. The bill prohibits certain persons from influencing or attempting to influence district mapping proposals of the redistricting office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.